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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

Letter dated 15 January 1991 from the Permanent Representative of Costa Rica to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

My Government has instructed me to forward you the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment which it wishes to submit to the Commission on Human Rights.

At its forty-fifth session, the Commission decided to include on the agenda of its forty-seventh session the draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which had been submitted by the Government of Costa Rica in 1980 (decision 1989/104).

According to the decision, this draft "provided for a system of visits by a committee of experts to places of detention within the jurisdiction of the States parties to the Protocol" and "... could represent a major step forward towards the effective prevention of torture".

The Government of Costa Rica wishes to emphasize that this draft, which originated from the proposal made in 1976 by the late Genevan humanist Jean-Jacques Gautier, founder of the Swiss Committee against Torture, is intended primarily to prevent the scourge of torture and does not, therefore, overlap with any other established United Nations procedures.

When, in 1980 the Costa Rican delegation submitted this draft to the thirty-sixth session of the Commission, it requested that its examination should be deferred until after the Commission had completed consideration of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to which it refers. The Convention was adopted in 1984 and came into force in 1987. The Committee against Torture, which was entrusted with its execution has been established and has been working now for three years. Furthermore, a system of visits very similar to the one Costa Rica proposed in 1980 has been adopted in Europe under the European Convention for the prevention of torture and inhuman or degrading treatment or punishment. This Convention came into force in 1989. Nineteen countries of the Council of Europe have ratified it to date.

Following Commission decision 1989/104, the Government of Costa Rica feels that the time has come for the Commission on Human Rights to reconsider the draft submitted in 1980 (E/CN.4/1409). However, the text submitted 11 years ago is no longer suited to the present situation, because it was drafted when the Convention against torture was still in draft form. Since then, a Special Rapporteur of the Commission on Human Rights on questions relating to torture has been appointed and, at the regional level, a European Convention inspired by the same ideas is now a reality. Accordingly, a group of independent experts, including the foremost international legal experts on protection against torture, met in Geneva last November, at the initiative of a number of NGOs including the International Commission of Jurists and the Swiss Committee against Torture and, with the full consent of the Government of Costa Rica, drafted a new text to replace that of 1980. This text, while retaining the fundamental ideas of the 1980 draft, takes into account all the mechanisms that have been established since then, and seeks to supplement them, being chiefly concerned with prevention.

It is this text that we wish to submit to the forty-seventh session of the Commission on Human Rights, in the hope that the Commission will decide to have it examined by a pre-sessional or sessional working group, if possible at its forty-eighth session. Attached as an annex is the text of decision 1989/104, the new text of the draft optional protocol, and an introductory memorandum establishing its relationship to existing machinery for dealing with torture.

We would be grateful if you could distribute these documents at the next session of the Commission.

Thanking you in advance for your co-operation, I beg you to accept, Sir the assurances of my highest consideration.

INTRODUCTORY MEMORANDUM TO THE DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE PROPOSED BY COSTA RICA

1. Most instruments of international law aimed at combating torture become operative only after torture or ill-treatment have taken place. Individual applications to organs set up by international human rights conventions are only available to persons who have already become victims of such violations. The system being proposed here, inspired by an earlier proposal of Jean-Jacques Gautier in 1976, seeks to improve protection against torture through a system of preventive visits. A similar system has already been set up by the Council of Europe: 19 of its member States have already ratified the European Convention for the prevention of torture and inhuman or degrading treatment or punishment. The Government of Costa Rica would like such a system, which it proposed to the Commission in 1980, to be considered with a view to its application world-wide.

2. The text being submitted here, in the form of an optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, retains the main ideas of the draft Costa Rica submitted in 1980 but takes into account some of the major developments since then. It has been revised by a group of independent experts from 21 countries who met in Geneva from 29 November to 1 December 1990. The main features of this draft are given below.

I. MAIN FEATURES OF THE NEW SYSTEM

A. The proposed mechanism: A system of visits to places of detention

3. The draft protocol proposed the creation of a Sub-Committee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment. As soon as 10 States have ratified the protocol the Committee against Torture would establish the Sub-Committee and elect its members. The members of the Sub-Committee would serve in their individual capacity and be chosen from among persons of high moral character, having proven professional experience in the field of prison or police administration or in the various medical fields relevant to the treatment of persons deprived of their liberty or in the field of the international protection of human rights.

4. The Sub-Committee would be responsible for organizing missions to the territory of States parties in order to visit places of detention. By ratifying the protocol States would agree to permit such visits to any place within their jurisdiction where persons are held for any reason whatsoever by a public authority or at its instigation or with its consent or acquiescence. The missions would be carried out by a delegation consisting of members of the Sub-Committee and experts. They would be entitled to visit any place of detention within the territory of States Parties and to see any person deprived of his liberty. After the mission, the Sub-Committee would draw up a report on the findings of the delegation and submit it together with recommendations, if necessary, to the State Party concerned. This report as well as consultations with the State Party would remain confidential unless the Committee against Torture, upon request of the Sub-Committee, subsequently decided to make a public statement or to publish the report because the State Party concerned failed to co-operate or refused to improve the situation.

B. A preventive and non-judicial system

5. The proposed system of preventive visits rests on the principle of co-operation. The purpose of the Sub-Committee would not be to condemn States, but, through advice, to seek improvements, if necessary, in the protection of persons deprived of their liberty. Thus, the Sub-Committee would not be entitled to perform any judicial functions; it would not have to decide whether violations of relevant international instruments prohibiting torture and inhuman or degrading treatment or punishment have been committed. Its task would be an entirely preventive one, namely to carry out fact-finding missions and, if necessary, on the basis of information obtained through them, to make recommendations. As the Sub-Committee would not be competent to hear witnesses in conformity with general principles of judicial procedure, situations could arise in which it would not have a sufficient basis for making recommendations if the facts are not clear enough. In such cases it may suggest further investigations including follow-up visits to places of detention already visited.

C. A system created within the framework of an optional protocol

6. As it seems, the adoption of a series of conventions for the prevention of torture on the regional level outside the Council of Europe cannot be reasonably expected at the moment. On the universal level, there are, in principle, three different ways to frame a system of preventive visits to places of detention:

(a) First, a new structure could be created at the United Nations level, totally independent from the Committee against Torture;

(b) Second, the Committee against Torture could be entrusted with carrying out preventive visits; and

(c) Third, as an intermediate solution, a subsidiary body could be created with a close relationship to the Committee against Torture.

7. When the 1980 Costa Rica draft was elaborated it was not possible to forsee the creation of the Committee against Torture by the United Nations Convention against torture; therefore the first Costa Rica draft proposed the setting up of an independent organ responsible for carrying out visits to places of detention. Today, such a proposal might not be the appropriate solution. There is not only a growing consensus that the proliferation of United Nations organs monitoring human rights should be stopped, but also a need to safeguard the coherence of the system created by the Convention against Torture. Thus, for political and legal reasons, the creation of a new body not having very close links with the Committee against Torture should be avoided.

8. Mainly two reasons speak against entrusting the Committee against Torture with the task of carrying out preventive visits:

(a) The Committee would be overburdened if - in addition to its duties under the Convention against Torture - it had to carry out visits to places of detention. This task can be very time-consuming. This would be true even if the actual visits were undertaken by delegates working on behalf of the Committee against Torture, because the discussion and adoption of reports as well as consultations with States Parties are important tasks;

(b) The creation of a Sub-Committee allows for a clear separation of the activity of preventive visits from the exercise of control by the Committee against Torture as embodied in articles 19 - 22 of the Convention against Torture. As the purpose of the optional protocol is not to condemn States but to have them co-operate in order to improve, if necessary, the situation of persons deprived of their liberty, it is hardly conceivable that the Committee against Torture could carry out this preventive task aimed at building up a relationship of trust if, at the same time, it has for instance, to handle communications from other States or individuals according to articles 21 and 22 of the Convention. To entrust preventive activities and quasi-judicial tasks at the same time to the same organ creates confusions and contradictions endangering and weakening both functions. Thus, the establishment of a Sub-Committee adds considerably to the impartiality of the proposed system of visits.

9. The Sub-Committee would work independently of the Committee against Torture to a large extent but be tied to it in four ways. According to the enclosed draft, the Committee against Torture establishes the Sub-Committee as soon as the requirement of 10 ratifications is fulfilled (arts. 2 and 18) and elects its members (art. 5). It examines the reports and recommendations which may be submitted to it by the Sub-Committee (art. 15). Finally, it decides, at the request of the Sub-Committee, about making a public statement or publishing the Sub-Committee's reports if a State Party fails to co-operate (art. 14, para. 2); the authority of the Committee against Torture and the "punitive" character of such statements or publications are factors which favour assigning this task to the Committee.

D. An efficient and impartial system

10. A system of preventive visits to places of detention will only be a useful instrument for combating and preventing torture if it can work efficiently. Effectiveness of such a system makes it necessary to entrust the task of carrying out visits to an organ with enough capacities in terms of legitimacy, persons and finances. The Sub-Committee would have these capacities:

(a) Being elected by the Committee against Torture (art. 5) the members of the Sub-Committee would be considered legitimate, and thus, its recommendations to States Parties would have sufficient authority;

(b) In order to work effectively the Sub-Committee has to have a certain minimal size; however, to avoid problems of co-ordination, it should not be too large. According to the draft, the Sub-Committee will have at least 10, but not more than 25 members; while there are less than 25 States Parties, the number of members shall be equal to that of the States Parties (art. 4). The fact that the Sub-Committee may be larger than the Committee against Torture (10 members) is justified by the different tasks of the two organs. As first experiences with the European Convention have shown, the actual carrying out of visits and drafting of reports can be very time-consuming. Extensive participation by members of the Sub-Committee is also necessary when the delegation is assisted by experts acting on the instructions and under the authority of the Sub-Committee (arts. 10 and 11);

(c) The effectiveness of the system will, finally, largely depend on the financial means available to the Sub-Committee. In principle, the proposed

system of visits would have a sound financial basis if its costs were borne by the United Nations budget. However, because, according to article 18, paragraph 5, of the United Nations Convention against torture, States Parties to the Convention are responsible for the expenses of the Committee against Torture, it might be difficult to realize this solution within the framework of an optional protocol. Therefore, in order to minimize potential financial difficulties, one could take into consideration the establishment of a special fund based on voluntary contributions which could supplement the contributions of States Parties (draft art. 16).

II. RELATION TO OTHER SYSTEMS OF VISITS

11. The optional protocol must very carefully regulate the relation to other systems of visits so as to avoid overlapping and conflicts that may occur with other international instruments aimed at combating torture.

A. Relation to the United Nations Convention Against Torture

12. According to article 20 of the Convention against Torture, the Committee against Torture is authorized to carry out visits in the territory of a State Party with its consent, in the context of a confidential inquiry, if there are "well-founded indications that torture is systematically practised". In order to avoid mixing the *a posteriori* control carried out by the Committee with the preventive tasks of the Sub-Committee, the Sub-Committee shall postpone missions to the territory of a State Party as soon as its authorities have agreed to a visit of the Committee against Torture according to article 20, paragraph 3, of the Convention (draft art. 8, para. 2).

B. Relation to regional systems of visits

13. The European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment has entered into force and it is possible (although unlikely at the moment) that other regional systems will be created. It is therefore necessary to regulate the protocol's relation to similar systems on a regional basis. Such regulation should, on the one hand, avoid a duplication of efforts for States which have become parties to a regional convention. On the other hand, such States cannot entirely avoid being linked to the universal level if they ratify the protocol. It might be problematic if some State Parties could have their own nationals among the members of the Sub-Committee visiting places of detention on the territory of other States Parties, but could escape, at the same time, any control of their places of detention by the Sub-Committee simply because they also have ratified a regional convention establishing some kind of system of preventive visits. Therefore, a solution has to be found which does not exclude any obligations for States Parties which have also ratified a regional convention; at the same time, such a solution must avoid unnecessary duplications of visits.

14. Therefore, according to the draft (art. 9, para. 1), the Sub-Committee shall refrain, as a rule, from sending a mission to countries which have ratified a regional convention. In such cases, it may consult with the regional organs in order to co-ordinate activities. It will be up to the Sub-Committee and the organs concerned to define the kind and the extent of such co-ordination. However, subject to an agreement with the regional organ, the draft provides for the possibility of having one member of the

Sub-Committee participate as an observer in missions carried out under the regional convention. Permission by the State Party concerned is not necessary because it is given in advance by ratifying the optional protocol. Such observer of the Sub-Committee would participate in the visits of the delegation but neither in drafting the report nor in any consultations undertaken within the framework of the regional convention. However, he would be entitled to report back to the Sub-Committee about his observations. The Sub-Committee would neither be able to use this information in dealing with the particular State nor be entitled to make such information public. Normally, this very reduced form of visit which does not put an additional burden upon States Parties will be sufficient. Only in exceptional cases, e.g., if collaboration with the regional organs is not possible, if a State is not regularly visited by the organs of the regional convention, or if the situation in the country is particularly alarming, will the Sub-Committee decide to send its own mission to a country which has ratified both the optional protocol and a regional convention.

15. This solution allows for the co-existence of the universal system with regional systems: the ratification of a regional convention does not hinder the ratification of the optional protocol, and vice versa. There will not be an unnecessary duplication of efforts because, as a rule, States Parties will neither be burdened by visits under two different systems nor confronted with possible contradictory recommendations. It is to be hoped that the States Parties to the European Convention for the prevention of torture will be in a position to ratify the optional protocol in order to contribute to the strengthening on a universal level of activities undertaken for the effective prevention of torture.

C. Relation to ICRC

16. Finally, it is provided that the protocol will not affect the system of visits to places of detention conducted pursuant to the Geneva Conventions of 1949 for the protection of victims of war and their new Additional Protocols of June 1977, nor will it affect the rights of States Parties to authorize ICRC to conduct visits in situations not covered by international humanitarian law (art. 9, para. 2).

DRAFT OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

The States Parties to the present Protocol,

Considering that in order to further achieve the purpose of the United Nations Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Convention) it is appropriate to strengthen the protection of persons deprived of their liberty from torture and other cruel, inhuman or degrading treatment or punishment, by resorting to non-judicial means of a preventive character based on visits,

Have agreed as follows:

PART I

Article 1

1. A State Party to the present Protocol agrees to permit visits, in accordance with this Protocol, to any place within its jurisdiction where persons deprived of their liberty by a public authority or at its instigation or with its consent or acquiescence are held or may be held.

2. The object of the visits shall be to examine the treatment of persons deprived of their liberty with a view to strengthening, if necessary, the protection of such persons from torture and from other cruel, inhuman or degrading treatment or punishment in accordance with international standards.

Article 2

The Committee against Torture shall establish a Sub-Committee for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (hereinafter referred to as the Sub-Committee); the Sub-Committee shall be responsible for organizing missions to the States Parties to the present Protocol for the purposes stated in article 1.

Article 3

In the application of this Protocol, the Sub-Committee and the competent national authorities of the State Party concerned shall co-operate with each other.

PART II

Article 4

1. The Sub-Committee shall consist of a maximum of 25 members. While there are less than 25 States Parties to the present Protocol, the number of members of the Sub-Committee shall be equal to that of the States Parties.

2. The members of the Sub-Committee shall be chosen from among persons of high moral character, having proven professional experience in the field of prison or police administration or in the various medical fields relevant to the treatment of persons deprived of their liberty or in the field of the international protection of human rights.

3. No two members of the Sub-Committee may be nationals of the same State.

4. The members of the Sub-Committee shall serve in their individual capacity, shall be independent and impartial and shall be available to serve the Sub-Committee effectively.

Article 5

1. The members of the Sub-Committee shall be elected by the Committee against Torture by an absolute majority of votes from a list of persons possessing the qualifications prescribed in article 4 and nominated by the States Parties to the present Protocol.

2. Within three months of the entry into force of the present Protocol, the accession of a new member or a vacancy, each State Party shall nominate three persons, at least two of whom shall possess its nationality. They shall be indicated in alphabetical order.

3. Subject to article 4, paragraph 1, the Committee against Torture shall hold elections whenever there is an accession to the present Protocol or a vacancy in the Sub-Committee.

4. A member shall be eligible for re-election if renominated.

Article 6

1. The members of the Sub-Committee shall be elected for a period of four years. However, among the members elected at the first election, the terms of five members, to be chosen by lot, shall expire at the end of two years.

2. In the election of the members of the Sub-Committee, consideration shall be given to equitable geographical distribution of membership, to a proper balance among the various fields of competence referred to in article 4, paragraph 2, and to the representation of different traditions and legal systems.

Article 7

1. The Sub-Committee shall meet for a regular session at least twice a year; for special sessions at the initiative of its Chairman or at the request of not less than one third of its members.

2. The Sub-Committee shall meet in camera. Half of the members shall constitute a quorum. The decisions of the Sub-Committee shall be taken by a majority of the members present, subject to article 14, paragraph 2.

3. The Sub-Committee shall draw up its own rules of procedure.

4. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee against Torture and the Sub-Committee under this Protocol.

PART III

Article 8

1. The Sub-Committee shall establish a programme of regular missions to each of the States Parties. Apart from regular missions, it shall also undertake such other missions as appear to it to be required in the circumstances.

2. The Sub-Committee shall postpone any such mission if the State Party concerned has agreed to a visit to its territory by the Committee against Torture pursuant to article 20, paragraph 3, of the Convention.

Article 9

1. If, on the basis of a regional convention, a system of visits to places of detention similar to the one of the present Protocol is in force for a State Party, the Sub-Committee shall only in exceptional cases, when required by important circumstances, send its own mission to such a State Party. It may, however, consult with the organs established under such regional conventions with a view to co-ordinating activities including the possibility of having one of its members participate in missions carried out under the regional conventions as an observer. Such an observer shall report to the Sub-Committee. This report shall be strictly confidential and shall not be made public.

2. The present Protocol does not affect the provisions of the Geneva Conventions of 12 August 1949 for the protection of victims of war and their Additional Protocols of 8 June 1977 by which the Protecting Powers and the International Committee of the Red Cross visit places of detention, or the right of any State Party to authorize the International Committee to visit places of detention in situations not covered by international humanitarian law.

Article 10

1. As a general rule, the missions shall be carried out by at least two members of the Sub-Committee, assisted by experts and interpreters if necessary.

2. No member of a delegation shall be a national of the State to be visited.

Article 11

1. Experts shall act on the instructions and under the authority of the Sub-Committee. They shall have particular knowledge and experience in the areas covered by this Protocol and shall be bound by the same duties of independence, impartiality and availability as the members of the Sub-Committee.

2. A State Party may exceptionally and for reasons given confidentially declare that an expert or other person assisting the Sub-Committee may not take part in a mission to its territory.

Article 12

1. The Sub-Committee shall notify the Government of the State Party concerned of its intention to organize a mission. After such notification, it may at any time visit any place referred to in article 1, paragraph 1.

2. The State Party within whose jurisdiction a mission is to take place or is being carried out shall provide the delegation with all the facilities necessary for the proper fulfilment of their tasks and shall not obstruct by any means or measures the programme of visits or any other activities which the delegation is carrying out specifically for or in relation to the visits. In particular, the State Party shall provide the delegation with the following facilities:

(a) access to its territory and the right to travel without restriction;

(b) full information on the places referred to in article 1, paragraph 1, including information requested about specific persons;

(c) unlimited access to any place referred to in article 1, paragraph 1, including the right to move inside such places without restriction;

(d) assistance in gaining access to places where the delegation has reason to believe that persons may be deprived of their liberty;

(e) producing any person deprived of his liberty whom the delegation wishes to interview, at the request of the delegation and at a convenient location;

(f) other information available to the State Party which is necessary for the delegation to carry out its task.

3. Members of the delegation may interview in private, inside or outside his place of detention, without witnesses, and for the time they deem necessary, any person deprived of his liberty under the terms of article 1. They may also communicate without restriction with relatives, friends, lawyers and doctors of persons who are or have been deprived of their liberty, and with any other person or organization that they think may be able to provide them with relevant information for their mission. In seeking such information, the delegation shall have regard to applicable rules of national law relating to data protection and principles of medical ethics.

4. No authority or official shall order, apply, permit or tolerate any sanction against any person or organization for having communicated to the Sub-Committee or to the delegates any information, whether true or false, and no such person or organization shall be otherwise prejudiced in any way.

5. In urgent cases the delegation shall at once submit observations and recommendations either of general or specific nature to the competent authorities of the State Party concerned.

Article 13

1. In the context of a mission, the competent authorities of the State Party concerned may make representations to the Sub-Committee or its delegation against a particular visit if urgent and compelling reasons relating to serious disorder in the particular place to be visited temporarily prevent the carrying out of the visit.

2. Following any such representation, the Sub-Committee and the State Party shall immediately enter into consultations in order to clarify the situation and seek agreement on arrangements to enable the Sub-Committee to exercise its functions expeditiously. Such arrangements may include the transfer to another place of any person whom the Sub-Committee proposed to visit. Until the visit takes place, the State Party shall provide information to the Sub-Committee about any person concerned.

Article 14

1. After each mission, the Sub-Committee shall draw up a report on the facts found during the mission, taking account of any observations which may have been submitted by the State Party concerned. It shall transmit to the latter its report containing any recommendations it considers necessary and may consult with the State Party with a view to suggesting, if necessary, improvements in the protection of persons deprived of their liberty.

2. If the State Party fails to co-operate or refuses to improve the situation in the light of the Sub-Committee's recommendations, the Committee against Torture may at the request of the Sub-Committee decide by a majority of its members, after the State Party has had an opportunity to make known its views, to make a public statement on the matter or to publish the Sub-Committee's report.

3. The Sub-Committee shall publish its report, together with any comments of the State Party concerned, whenever requested to do so by that State Party. If the State Party makes part of the report public, the Sub-Committee may publish the report in whole or in part. However, no personal data shall be published without the express consent of the person concerned.

4. In all other respects, the information gathered by the Sub-Committee and its delegation in relation to a mission, its report and its consultation with the State Party concerned shall remain confidential. Members of the Committee against Torture, the Sub-Committee, its delegations and their staff are required to maintain confidentiality during and after their terms of office.

Article 15

1. The Committee against Torture shall examine the reports and recommendations which may be submitted to it by the Sub-Committee. It shall keep them confidential as long as no public statement in accordance with article 14, paragraph 2, has been made or as long as they have not become public in accordance with article 14, paragraph 3, of this Protocol.

2. Subject to the rules of confidentiality, the Sub-Committee shall every year submit a general annual report on its activities to the Committee against

Torture, which shall include information on the activities under this Protocol in its annual report to the General Assembly of the United Nations in accordance with article 24 of the Convention.

PART IV

Article 16

The expenditures incurred by the implementation of the present Protocol, including all its missions, shall be borne by the United Nations.

[1. States Parties shall contribute to the expenditure incurred in the implementation of the present Protocol on the basis of the scale used by the United Nations.

2. There may be established a Special Fund based on voluntary contributions of States, intergovernmental organizations, non-governmental organizations, private institutions and individuals.

3. The Special Fund shall supplement the financing by the States Parties of all the activities provided for in this Protocol. It shall be managed by the Sub-Committee, which shall report to a Board of Trustees appointed by the States Parties.

4. Any expenses, such as the cost of staff, interpreters and facilities, incurred by the United Nations pursuant to article 7, paragraph 4, shall be reimbursed by contributions of the States Parties and the Special Fund].

Article 17

1. The present Protocol is open for signature by any State which has signed the Convention.

2. The present Protocol is subject to ratification or open to accession by any State which has ratified or acceded to the Convention. Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.

3. The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession.

Article 18

1. The present Protocol shall enter into force three months after the deposit of the tenth instrument of ratification or accession.

2. For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.

3. No reservations may be made in respect of the provisions of this Protocol.

Article 19

Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations, who shall thereafter inform the other States Parties, the Committee against Torture and the Sub-Committee. Denunciation shall take effect one year after the date of receipt of the notification by the Secretary-General.

Article 20

The members of the Sub-Committee and of its delegations shall be entitled to the facilities, privileges and immunities referred to in article 23 of the Convention.

Article 21

1. The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit certified copies of this Protocol to all States.

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(Signed) Jorge Rhenan Segura
Ambassador
Permanent Representative